

ENVIRONMENTAL ASSESSMENT DECISION NOTICE

HELLS CANYON CREEK INSTREAM FLOW

Montana Fish, Wildlife & Parks
Headquarters, Helena
April 18, 2016

Proposed Actions

Montana Fish, Wildlife & Parks (FWP) has proposed a project that is administrative in nature: an instream flow lease. The lease will be on Hells Canyon Creek (Madison County), a tributary to the Jefferson River that supports spawning populations of brown and rainbow trout. Flow monitoring in the area indicated dewatering due to irrigation demand, and this project aims to lease water and secure minimum flows for trout. In this project, three water users are combined to a single gravity pipeline. A private agreement between the three water users and FWP provides guaranteed minimum flows of 1.6 cfs between April 1 to July 15, and 0.25 cfs between July 16 to November 4 for trout spawning and trout fry migration. The Department of Natural Resources and Conservation's Change Authorization provides for the protection of up to 1.12 cfs, which protects the instream flow amount from other competing appropriations. The goal of this project is to protect and enhance trout habitat by securing additional water for instream flow. This lease was implemented from 1996-2015, and this proposal for a 3 year renewal is to prepare for a long-term lease prior to 2019.

Montana Environmental Policy Act

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, a draft Environmental Assessment (EA) was prepared by FWP for the proposed project and released on March 16, 2016, for a 30-day public comment period. The draft EA was titled *Hells Canyon Creek Instream Flow*.

The draft EA was posted and remains available for viewing on the FWP webpage:
<http://fwp.mt.gov/news/publicNotices>.

Summary of Public Comment and FWP Response

During the 30-day EA review period that ended April 16, 2016, one comment was received. The individual supported the project but asked, "why not do the long term lease right now?"

Response: Our goal is to obtain the 20-year extension, but we needed some time to attract funding partners. Natural Resources Conservation Service (NRCS) had the potential to help water users with system upgrades and this was going to take some time (2-3 years). Fortunately, a new NRCS program for Drought Resilience came up this year and Hells Canyon fits the program perfectly, so the schedule is being expedited.

There are no modifications necessary to the Draft Environmental Assessment based on public comment period. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final documents for these proposals.

Decision

Based on the Environmental Assessment and public comment FWP will proceed with the proposed Hells Canyon Creek instream flow lease.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

A handwritten signature in blue ink, appearing to read "Bruce Rich", written over a horizontal line.

Bruce Rich
Fisheries Division Administrator
Montana Fish, Wildlife & Parks
